

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

PT Communications, Inc.	:	
	:	
Application for a certificate of local	:	04-0403
authority to operate as a reseller and	:	
facilities-based/UNE-P carrier of	:	
telecommunications services throughout	:	
the State of Illinois.	:	

ORDER

By the Commission:

On May 19, 2004, PT Communications, Inc. ("Applicant" or "PT"), filed a verified application with the Illinois Commerce Commission ("Commission") pursuant to 13-404 for a Certificate of Service Authority to provide resold local telecommunications services in Illinois; and pursuant to 13-405 for a Certificate of Exchange Service Authority to provide facilities-based local telecommunications services in Illinois.

Pursuant to notice given in accordance with the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois on June 24, 2004. Applicant was represented by counsel and presented the testimony of Andrew Plocienniczak, Applicant's Chief Operating Officer, in support of the application. Mark Hanson of the Telecommunications Division appeared for Commission Staff. At the conclusion of the hearing on June 24, the record was marked "Heard and Taken".

Applicant, a Texas corporation authorized to transact business in Illinois, seeks to offer resold local and facilities-based local telephone service. Applicant submitted evidence that it has the requisite technical, financial, and managerial qualifications to provide the services set forth in its application. Mr. Plocienniczak testified that Applicant and WDT World Discount Communications Company ("WDT") are commonly owned. WDT was set up to provide long distance service and Applicant was established to provide local service. Mr. Plocienniczak testified that WDT's financial resources would be available to Applicant to sustain the services it will offer. Applicant also submitted the management profiles of its key personnel to demonstrate that they have experience in business generally and in telecommunications specifically. Mr. Plocienniczak testified that WDT would provide Applicant's technical support and that Applicant would adhere to all federal and state laws and regulations pertaining to slamming and cramming.

Staff's Position

Staff stated that it had reviewed PT's application and supporting documentation and based on that review, recommended that the application be approved.

Applicant has requested that the Commission make certain declarations and grant certain waivers of the requirements of the Public Utilities Act and from the rules and regulations of the Commission. The services Applicant proposes to provide will be competitive telecommunications services as described in Section 13-502(b) of the Act. Petitioner is required to file a tariff with the Commission under Section 13-501 of the Act describing the nature of its service, the applicable rates and charges and the terms and conditions of the service provided. If Applicant files the required tariff in compliance with Section 13-502(e) of the Act and the rules adopted thereunder in 83 Ill. Adm. Code 745, many provisions of the Act as well as the regulations adopted by the Commission in Title 83 of the Illinois Administrative Code will be inapplicable to the Applicant.

For local service, Applicant should be granted pursuant to Section 13-402 of the Act, a waiver of 83 Ill. Adm. Code, Part 710, the requirement to keep books and records in accordance with the Uniform System of Accounts, in order to reduce the economic burdens of regulation on a telecommunications carrier which provides only competitive services. For local service, Applicant should also be granted a variance from Part 735.180. Applicant will contract with underlying carriers to include Applicant's customer listings in their directories.

Applicant also has requested Commission approval to maintain its books and records at its principal place of business in Texas, pursuant to 83 Ill. Adm. Code 250. Applicant's request should be granted in accordance with Section 5-106 of the Act.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) PT Communications, Inc., a Texas corporation authorized to transact business in Illinois, seeks a Certificate of Service Authority to provide resold local telecommunications services in Illinois; and a Certificate of Exchange Service Authority to provide facilities-based local telecommunications services in Illinois;
- (2) the Commission has jurisdiction over the Applicant and the subject matter herein;
- (3) as required by Sections 13-404 and 13-405 of the Act, Applicant possesses sufficient technical, financial and managerial resources to provide resold local and facilities-based local telecommunications services in Illinois;

- (4) Applicant should file with the Commission a tariff consisting of its rates, rules and regulations in accordance with Sections 13-501 and 13-502 of the Act, to be effective upon proper filing, before commencing service;
- (5) with regard to Applicant's provision of local exchange services, Applicant should be granted a variance from the requirements of 83 Ill. Adm. Code 735, Section 735.180, regarding publication of local directories, as it will contract with the incumbent local exchange carrier to include Applicant's customer listings within those directories;
- (6) with regard to Applicant's provision of local service, Applicant should also be granted a waiver from 83 Ill. Adm. Code 710, the Uniform System of Accounts for Telecommunications Carriers, as long as Applicant maintains its accounting records in accordance with Generally Accepted Accounting Principles and at a level of detail substantially similar to the accounting system which it currently uses pursuant to its Chart of Accounts, and in sufficient detail to comply with all applicable tax laws;
- (7) Applicant should establish books of account such that revenues from its telecommunications services, subject to the public utility revenue tax, are segregated from the revenues derived from other business activities not regulated by the Commission;
- (8) pursuant to 83 Ill. Adm. Code 250, Applicant should be allowed to maintain its books and records at its principal place of business in Texas in accordance with Section 5-106 of the Act.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that PT Communications, Inc. be, and is hereby, granted a Certificate of Service Authority pursuant to Section 13-404 of the Act for the resale of local telecommunications services in Illinois.

IT IS FURTHER ORDERED that the Certificate of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that PT Communications, Inc. is authorized, pursuant to Section 13-404 of the Public Utilities Act, to provide resold local telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED by the Illinois Commerce Commission that PT Communications, Inc. be, and is hereby, granted a Certificate of Exchange Service Authority pursuant to Section 13-405 of the Act for the provision of facilities-based local exchange telecommunications services in Illinois.

IT IS FURTHER ORDERED that the Certificate of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF EXCHANGE SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that PT Communications, Inc. is authorized, pursuant to Section 13-405 of the Public Utilities Act, to provide facilities-based local exchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that PT Communications, Inc. file with this Commission a tariff consisting of its rates, rules and regulations, to be effective upon proper filing before commencing service.

IT IS FURTHER ORDERED that 83 Ill. Adm. Code Parts 710 and 735.180 be, and are hereby, waived as set forth in Findings (5) and (6) hereinabove.

IT IS FURTHER ORDERED that pursuant to 83 Ill. Adm. Code 250, Applicant is authorized to maintain its books and records at its principal place of business in Texas.

IT IS FURTHER ORDERED that as a condition of these Certificates, PT Communications, Inc. be, and is hereby, directed to establish books of account such that revenues from its telecommunications services, subject to the public utility revenue tax, are segregated from the revenues derived from other business activities not regulated by the Commission.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 6th day of October, 2004.

(SIGNED) EDWARD C. HURLEY

Chairman